

Veronica Rivera

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO**

EASTER SEALS EL MIRADOR,

Plaintiff,

vs.

No. D-101-CV-2015-01463

**THE STATE OF NEW MEXICO,
HUMAN SERVICES DEPARTMENT
OF THE STATE OF NEW MEXICO, BRENT EARNEST,
CABINET SECRETARY FOR HUMAN SERVICES
DEPARTMENT OF THE STATE OF NEW MEXICO,
SIDONIE SQUIER, FORMER CABINET SECRETARY
FOR HUMANS SERVICES DEPARTMENT OF THE
STATE OF NEW MEXICO, MARK PITCOCK,
DEPUTY DIRECTOR OF THE MEDICAL ASSISTANCE
DIVISION OF THE HUMAN SERVICES DEPARTMENT, and
JOHN DOES 1-10, in their individual capacities,**

Defendants.

COMPLAINT FOR VIOLATION OF 42 U.S.C. § 1983 AND BREACH OF CONTRACT

Plaintiff Easter Seals El Mirador complains of Defendants as follows:

The Parties, Jurisdiction, and Venue

1. Plaintiff is a New Mexico non-profit corporation which provides behavioral healthcare services to New Mexico Medicaid beneficiaries through contracts with the Human Services Department ("HSD"), including a MAD 335 Provider Participation Agreement.
2. Defendant The State of New Mexico is a party to the MAD 335 Provider Participation Agreement with Plaintiff.
3. HSD is a department of the State of New Mexico and a party to the MAD 335 Provider Participation Agreement with Plaintiff.

4. Defendant Mark Pitcock was the Deputy Director of the Medial Assistance Division of the New Mexico Human Services Department acting within his scope of employment and under color of state law at all times relevant hereto.

5. Defendant Brent Earnest was the Deputy Secretary of HSD from March 2011 until his appointment as Cabinet Secretary on December 1, 2014, acting within his scope of employment and under color of state law at all times relevant hereto.

6. Defendant Sidonie Squier was the Cabinet Secretary for HSD from March 2011 until she resigned effective December 1, 2014, acting within her scope of employment and under color of state law at all times relevant hereto.

7. Defendant John Does 1-10 were employed by the State acting within the course and scope of their employment and under color of state law at all times relevant hereto. Plaintiff is unaware of the true names and capacities, whether individual, corporate, associate, or otherwise, of the Defendants sued herein as John Does 1-10, and for that reason sues said Defendants, and each of them, by such fictitious names.

8. The Court, therefore, has jurisdiction over the subject matter and venue is proper in Santa Fe County pursuant to N.M.S.A. § 38-3-1(G).

General Allegations

9. In February 2013, HSD contracted with Public Consulting Group ("PCG"), an independent contractor, to perform a Medicaid program integrity audit of fifteen behavioral healthcare providers, including Plaintiff (the "Audit").

10. One of the purposes of the Audit was to determine whether there was evidence that the fifteen providers were committing fraud on the Medicaid program for HSD to make a determination about whether there was a "credible allegation of fraud" in order to justify

withholding payments from the providers and referring them to MFCU for criminal investigation under 42 CFR § 455.23(a).

11. In a June 30, 2013 audit report released to the public on February 27, 2014, the State Auditor found that HSD violated its internal policy on investigations into allegations of Medicaid fraud when HSD's Program Integrity Unit did not conduct the preliminary investigations into the fifteen behavioral healthcare providers, but the Unit's staff signed off on all fifteen referrals to MCFU.

12. In June 2013, PCG produced a final report detailing the results of each of the fifteen provider audits. Although PCG determined that all fifteen of the audited providers failed the audit, it nonetheless concluded that there was no evidence of widespread fraud, stating: "PCG's Case File Audit did not uncover what it would consider to be credible allegations of fraud, nor any significant concerns related to consumer safety." (Emphasis added.)

13. HSD rejected PCG's determination that there was no credible evidence of fraud and directed that the above-quoted sentence be removed from the final report (the "Revised PCG Audit"), which was released to the public on January 29, 2015, by the New Mexico Attorney General, and is available at <http://www.nmag.gov/home/2013-behavioral-health-audit>.

14. PCG, in conjunction with HSD, developed a scorecard for each provider, rating them between 1 ("Compliant") and 4 ("Significant Non-Compliance"), then used the scorecards to categorize the providers in Risk Tiers from 1 through 4 in the Revised PCG Audit as follows:

15. 1 "Findings that include missing documents, etc." for which PCG recommended "Provide training and clinical assistance as needed."

16. 2 “Significant volume of findings that include missing documents” for which PCG recommended “Provide trainings and clinical assistance as needed” and “Potentially embed clinical management to improve processes.”

17. 3 “Significant findings, including significant quality of care findings” for which PCG recommended “Provider training and clinical assistance as needed,” “Potentially imbed clinical management to improve processes,” and “Potential change in management.

18. 4 “Credible Allegations of Fraud” for which PCG recommended “Mandatory change in management.”

19. PCG ranked Plaintiff in Risk Tier 2.

20. On or about June 21, 2013, Defendants Squier, Earnest, Pitcock and John Does 1-10, acting under color of state law, made a decision to suspend Medicaid payments to Plaintiff based upon a “credible allegation of fraud” under 42 C.F.R. § 455.23(a)(1) without properly determining that there existed a “credible allegation of fraud” against Plaintiff as defined in 42 C.F.R. § 455.2:

an allegation, which has been verified by the State, from any source, including but not limited to the following:...(1)fraud hotline complaints. (2) claims data mining. (3) Patterns identified through provider audits, civil false claims cases, and law enforcement investigations. Allegations are considered to be credible when they have indicia of reliability and the State Medicaid agency has reviewed all allegations, facts, and evidence carefully and acts judiciously on a case-by-case basis.

21. On or about June 21, 2013, HSD referred Plaintiff, along with the other providers, to the New Mexico Attorney General’s Medicaid Fraud Control Unit (“MFCU”) based on what HSD viewed to be “credible allegations of fraud,” despite PCG’s findings otherwise. HSD provided the MFCU with a copy of the Revised PCG Audit and, pursuant to its standard

protocol, MFCU accepted the referrals and launched investigations into Plaintiff and the other audited providers.

22. On or about June 24, 2013, HSD met with all fifteen behavioral healthcare providers, including Plaintiff, and notified them that HSD was going to suspend Medicaid payments to all fifteen providers immediately based upon a “credible allegation of fraud” pursuant to 42 C.F.R. § 455.23(a)(1), as stated in HSD’s June 24, 2013 letter to Plaintiff.

23. HSD’s June 24, 2013 letter informed Plaintiff that it could request an “administrative records review” within twenty days of receipt of the letter. HSD, however, gave Plaintiff no indication of what the “credible allegation of fraud” was or information sufficient for Plaintiff to respond in any meaningful way to investigate, verify, or rebut the allegation, despite that 42 C.F.R. § 455.23(a)(2)(ii) required HSD to “[s]et forth the general allegations as to the nature of the suspension action, but need not disclose any specific information concerning an ongoing investigation.”

24. HSD communicated that it was prohibited from disclosing the specific nature of the allegations against each provider, but that each provider was generally accused of inappropriate use of CPT codes, unbundling of professional services, and the possible use of deception to obtain an unauthorized benefit from both the Medicaid and SCI programs over a three-year period.

25. HSD presented each of the fifteen providers with a heavily redacted copy of an audit summary and a letter formally advising them that HSD had made a preliminary determination that there were credible allegations of fraud concerning the provider, that a criminal investigation was pending, and that pursuant to 42 C.F.R. 455.23(a)(1), HSD was suspending payment for services effective immediately.

26. Each provider was informed that the suspension of payments was “temporary” and would be in effect until (1) prosecuting authorities determined there was insufficient evidence of fraud or alleged fraud or willful misrepresentation by the provider, (2) legal proceedings related to the provider’s alleged fraud or willful misrepresentation were completed, or (3) the provider applied for, and received, a “good cause” release of suspended payments.

27. Plaintiff timely requesting an administrative records review of the Medicaid payment suspension pursuant to 42 C.F.R. § 455.23(a). Given that HSD provided no information sufficient for Plaintiff to investigate, verify, or rebut the alleged “credible allegation of fraud” forming the basis for HSD’s decision to suspend Medicaid payments, Plaintiff could not submit evidence in support of its position.

28. HSD responded to Plaintiff and advised that its request for a good cause release of suspended payments had been denied.

29. The federal regulation allowing Medicaid payment suspension upon a “credible allegation of fraud,” 42 C.F.R. § 455.23, also requires HSD to provide “administrative review” of a suspension “when state law so requires” pursuant to 42 C.F.R. § 455.23(a)(3). The regulation, however, does not define “administrative review,” but leaves it to the several States to define the scope of such a review.

30. The MAD 335 Provider Participation Agreement incorporates the provider’s right to not have payments suspended without a proper finding of “credible allegations of fraud,” administrative review when state law so requires, that a payment withhold based upon a credible allegation of fraud may only be “temporary” under 42 C.F.R. § 455, and a suspension for credible allegations of fraud would be in effect until prosecuting authority determined there was insufficient evidence of fraud or alleged fraud or willful misrepresentation by the provider.

31. HSD has not defined “administrative review” in its regulations applicable to Medicaid payment suspensions.

32. MFCU offered HSD a Medicaid Improvement Recommendation on or about December 23, 2009 in which MFCU identified the lack of a definition for “administrative review” as the term is used in 42 C.F.R. § 455.23 in HSD’s own regulations, the conflicting definitions of that term used elsewhere in Title 8 of the New Mexico Administrative Code, and recommended that HSD define “administrative review” for purposes of Medicaid payment suspensions under 42 C.F.R. § 455.23 not to include “provider hearings” under N.M.A.C. § 8.353.2.9.

33. “Provider hearings” under N.M.A.C. § 8.352.3.9 provide a modicum of due process safeguards in the form of notice of basis for the allegations, evidence to support them, right to counsel, and opportunity to be heard, to Medicaid providers upon certain adverse decisions by HSD, including Medicaid payment suspensions, except “a temporary payment suspension for credible allegations of fraud” under N.M.A.C. § 8.352.3.10(C)(1)(c).

34. HSD rejected MFCU’s recommendation to define “administrative review” as not including “provider hearings” on or about January 21, 2010.

35. The term “administrative review” as it is used in 42 C.F.R. § 455.23(a)(3), thus, remains undefined under New Mexico law.

36. As a result, Plaintiff and other Medicaid providers similarly situated are denied basic due process safeguards when HSD decides to suspend Medicaid payments based upon a “credible allegation of fraud” and refers the matter to MFCU.

37. On May 5, 2014, and after almost one year of suspension of Plaintiff's reimbursements, the MFCU sent HSD correspondence stating MFCU found insufficient evidence that Plaintiff had committed fraud.

38. 42 C.F.R. § 455.23 states in pertinent part, a suspension for credible allegations of fraud would be in effect until (1) prosecuting authority determined there was insufficient evidence of fraud or alleged fraud or willful misrepresentation by the provider; (2) legal proceedings related to the provider's alleged fraud or willful misrepresentation were completed; or (3) the provider applied for, and received, a "good cause" release of suspended payments.

39. As of May 5, 2014, and upon MFCU's finding of insufficient evidence of fraud, HSD was no longer legally bound to withhold suspended payments.

40. To date HSD has not released the suspended funds.

41. Upon information and belief, Plaintiff calculates that HSD is withholding approximately \$671,000.

42. On July 22, 2014, through counsel, Plaintiff sent correspondence to HSD demanding the release of the withheld funds.

43. On or about July 2, 2014, HSD sent correspondence to Plaintiff stating it re-referred Plaintiff to MFCU for credible allegations of fraud and MFCU accepted. Therefore, HSD contends the June 2013 suspension is continued between March 2013 and April 2014.

44. Plaintiff willingly provided HSD and its agents and/or contractors all requested documents for its audits.

45. HSD has not requested any additional documents from Plaintiff nor has Plaintiff provided any additional documents to HSD since May 5, 2014, when MFCU found insufficient evidence of fraud.

46. Upon information and belief, HSD's current re-referral to MFCU is based on the same grounds as its June 2013 referral to MFCU.

47. On November 25, 2013, the Honorable Raymond Ortiz, First Judicial District Court, issued an order in New Mexico Psychiatric Services, Inc. v Human Services Department, No. D-101-CV-2012-02787, in which the Court ruled that HSD's suspension of Medicaid payments to the Plaintiff behavioral healthcare provider for eighteen months was not "temporary" as the term is used in 42 C.F.R. 455.23(a)(4) and failure of HSD to grant a "provider hearing" violated the provider's due process rights under the Fourteenth Amendment.

48. On January 23, 2015, in Easter Seals El Mirador v. Human Services Department, No. D-101-CV-2014-01784, First Judicial District Court, the Honorable Francis J. Mathew, granted summary judgment in Plaintiff's favor under the Declaratory Judgment Act that:

(a) the nineteen (19) month payment withhold is not "temporary" as the term is used in 42 C.F.R. 455.23(a)(4);

(b) Plaintiff, therefore, has a protected property interest in the withheld Medicaid payments which cannot be denied Plaintiff without due process of law under the Fourteenth Amendment to the United States Constitution;

(c) 42 C.F.R. 455.23(a)(3) provides that "[a] provider may request, and must be granted, administrative review where State law so requires";

(d) "Administrative review" in 42 C.F.R. 23(a)(3) means a "provider hearing" as defined in NMAC § 8.352.3.9, when, as in Plaintiff's case, the Medicaid payment withhold has been in effect for longer than a "temporary" period;

(e) HSD denied Plaintiff due process of law under the Fourteenth Amendment to the United States Constitution by failing to grant Plaintiff a “provider hearing” under NMAC § 8.352.3.9.

(f) HSD must provide Plaintiff a full “provider hearing” in which HSD has the burden of proof to prove that Plaintiff received a Medicaid overpayment pursuant to NMAC § 8.352.3.9, including but not limited to the information and documents required under NMAC § 8.352.3.11(I).

49. Judge Mathew’s Order memorializing the January 23, 2015 ruling was entered on March 3, 2015.

50. HSD’s suspension of payments to Plaintiff has lasted twenty-three months so far. Defendant Earnest is aware of the basis for and length of the payment suspension. As Cabinet Secretary of HSD Defendant Earnest has the discretion to direct HSD to grant Plaintiff a provider hearing earlier than was ordered by the district court in Easter Seals El Mirador v. Human Services Department, No. D-101-CV-2014-01784, and to return the wrongfully suspended payments but has failed to do so.

COUNT I

42 U.S.C. § 1983—VIOLATION OF 42 C.F.R. § 455 AND THE FOURTEENTH AMENDMENT BY DEFENDANTS SQUIER, EARNEST, PITCOCK AND JOHN DOES 1-10

51. Plaintiff has federal statutory rights under 42 C.F.R. § 455: (a) not to have Medicaid payments suspended without a proper determination that there was a “credible allegation of fraud;” (b) for the payment suspension to be “temporary;” and (c) for a payment suspension for credible allegations of fraud to be in effect until prosecuting authority determined

there was insufficient evidence of fraud or alleged fraud or willful misrepresentation by the provider.

52. Plaintiff has a Fourteenth Amendment-protected property interest in the payments which HSD has been withholding since June 2013.

53. The payment withhold of twenty-three months so far is not “temporary” as contemplated by 42 U.S.C. § 455.23(c).

54. Defendants Squier, Earnest, Pitcock and John Does 1-10, acting under color of state law, have violated Plaintiff’s federal statutory rights under 42 C.F.R. § 455 and Fourteenth Amendment due process rights by withholding payments without properly determining that there existed a “credible allegation of fraud” against Plaintiff, and referring Plaintiff to the MFCU, which has caused the payment suspension to last for an indefinite period of time, without giving Plaintiff a full provider hearing.

55. These Defendants’ violation of Plaintiff’s federal statutory rights under 42 C.F.R. § 455 and Fourteenth Amendment due process rights have caused Plaintiff damages in an amount to be proven at trial.

COUNT II

BREACH OF CONTRACT BY THE STATE AND HSD

56. The MAD 335 Participation Agreement between Plaintiff, the State, and HSD incorporates the provider’s right to administrative review when state law so requires under 42 C.F.R. § 455.23; not to have Medicaid payments suspended without a proper determination that there was a “credible allegation of fraud;” that a payment withhold based upon a credible allegation of fraud may only be “temporary;” and for a payment suspension for credible

allegations of fraud to be in effect until prosecuting authority determined there was insufficient evidence of fraud or alleged fraud or willful misrepresentation by the provider.

57. The payment withhold of twenty-three months so far is not “temporary” as contemplated by 42 U.S.C. § 455.23(c).

58. Defendants the State and HSD have breached the MAD 335 Participating Provider Agreement by withholding payments without properly determining that there existed a “credible allegation of fraud” against Plaintiff, and referring Plaintiff to the MFCU, which has caused the payment suspension to last for an indefinite period of time, without giving Plaintiff a full provider hearing earlier than ordered by the district court in Easter Seals El Mirador v. Human Services Department, No. D-101-CV-2014-01784, First Judicial District Court, and continuing to withhold payments in excess of alleged overpayment amounts after MFCU cleared Plaintiff of fraud.

59. Defendants’ breach of the MAD 335 Participating Provider Agreement has caused Plaintiff damages in an amount to be proven at trial.

WHEREFORE, Plaintiff prays for the following relief:

(1) A judgment, pursuant to 42 U.S.C. § 1983, in Plaintiff’s favor that Defendants Squier, Earnest, Pitcock and John Does 1-10 violated Plaintiff’s federal rights under 42 C.F.R. § 455 and Fourteenth Amendment rights, compensatory damages in an amount to be proven at trial, costs, and reasonable attorney’s fees pursuant to 42 U.S.C. § 1988(b);

(4) a judgment in Plaintiff’s favor that Defendants the State and HSD breached the MAD 335 Participating Provider Agreement and caused Plaintiff damages in an amount to be proven at trial; and

(6) Any other relief to which Plaintiff is entitled in this action.

Submitted by:

DAVIS | GILCHRIST | LEE

By: **"Electronically Filed" /s/ Bryan J. Davis**

Bryan J. Davis, Esq.
124 Wellesley Drive SE
Albuquerque, NM 87106
Tel: 505-435-9908
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bryan@dglnm.com

Attorneys for Plaintiff Easter Seals El Mirador

Veronica Rivera

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO**

EASTER SEALS EL MIRADOR,

Plaintiff,

vs.

No. D-101-CV-2015-01463

**THE STATE OF NEW MEXICO,
HUMAN SERVICES DEPARTMENT
OF THE STATE OF NEW MEXICO, BRENT EARNEST,
CABINET SECRETARY FOR HUMAN SERVICES
DEPARTMENT OF THE STATE OF NEW MEXICO,
SIDONIE SQUIER, FORMER CABINET SECRETARY
FOR HUMANS SERVICES DEPARTMENT OF THE
STATE OF NEW MEXICO, MARK PITCOCK,
DEPUTY DIRECTOR OF THE MEDICAL ASSISTANCE
DIVISION OF THE HUMAN SERVICES DEPARTMENT, and
JOHN DOES 1-10, in their individual capacities,**

Defendants.

JURY DEMAND

Plaintiff Easter Seals El Mirador ("ESELM") pursuant to Rule 1-038(A) NMRA, hereby requests a jury of six persons on all issues so triable. Plaintiff has deposited the sum of one-hundred and fifty dollars with the Clerk of Court pursuant to Rule 1-038(C) NMRA contemporaneously herewith.

Respectfully submitted:

DAVIS, GILCHRIST & LEE, P.C.

By: **"Electronically Filed" /s/ Bryan J. Davis**

Bryan J. Davis
124 Wellesley Dr. SE
Albuquerque, NM 87106
Telephone: (505) 435-9908
bryan@dglnm.com

Attorneys for Plaintiff Easter Seals El Mirador

Exhibit "B"

ISSUED

SUMMONS	
District Court: FIRST JUDICIAL SANTA FE COUNTY, New Mexico Court Address: 225 Montezuma Ave., Santa Fe, NM 87504 Court Telephone No.: (505) 455-8250	Case Number: D-101-CV-2015-01463 Judge: RAYMOND Z. ORTIZ
EASTER SEALS EL MIRADOR, Plaintiff, v. THE STATE OF NEW MEXICO, ET AL. Defendant.	Defendant Name: Susana Martinez, Governor, The State of New Mexico Address: Office of The Governor, 490 Old Santa Fe Trail, Room 400 Santa Fe, NM 87501

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 22nd day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Victoria Martinez*
Deputy

"Electronically Filed"

/s/ **Bryan J. Davis**

Signature of Attorney for Plaintiff
DAVIS, GILCHRIST & LEE, P.C.
124 Wellesley Dr. SE
Albuquerque, NM 87106
Telephone: (505) 435-9908
Facsimile: (505) 435-9909
bryan@dglnm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

Exhibit "C"

RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

☐ to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

ISSUED

SUMMONS	
District Court: FIRST JUDICIAL SANTA FE COUNTY , New Mexico Court Address: 225 Montezuma Ave., Santa Fe, NM 87504 Court Telephone No.: (505) 455-8250	Case Number: D-101-CV-2015-01463 Judge: RAYMOND Z. ORTIZ
EASTER SEALS EL MIRADOR , Plaintiff, v. THE STATE OF NEW MEXICO, ET AL. Defendant.	Defendant Name: Hector Balderas , New Mexico Attorney General Address: 408 Galisteo Street Villagra Building, Santa Fe, NM 87501

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 22nd day of June, 2015.

STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURTBY: *Victoria Montez*
Deputy

"Electronically Filed"

/s/ **Bryan J. Davis**Signature of Attorney for Plaintiff
DAVIS, GILCHRIST & LEE, P.C.
124 Wellesley Dr. SE
Albuquerque, NM 87106
Telephone: (505) 435-9908
Facsimile: (505) 435-9909
bryan@dglnm.com**THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.****Exhibit "D"**

RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

☐ to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

FILED IN MY OFFICE
DISTRICT COURT CLERK
6/22/2015 3:45:20 PM
STEPHEN T. PACHECO
Rochelle Ortiz

ISSUED

SUMMONS	
District Court: FIRST JUDICIAL SANTA FE COUNTY , New Mexico Court Address: 225 Montezuma Ave., Santa Fe, NM 87504 Court Telephone No.: (505) 455-8250	Case Number: D-101-CV-2015-01463 Judge: RAYMOND Z. ORTIZ
EASTER SEALS EL MIRADOR , Plaintiff, v. THE STATE OF NEW MEXICO, ET AL. Defendant.	Defendant Name: New Mexico Human Services Department Address: 2009 South Pacheco, 3 rd Floor, Santa Fe, NM 87504

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

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2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 22nd day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Victoria M. Ortiz*
Deputy

"Electronically Filed"

/s/ Bryan J. Davis

Signature of Attorney for Plaintiff
DAVIS, GILCHRIST & LEE, P.C.

124 Wellesley Dr. SE

Albuquerque, NM 87106

Telephone: (505) 435-9908

Facsimile: (505) 435-9909

bryan@dglnm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

Exhibit "E"



RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

☐ to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

[Faint, illegible text block containing multiple paragraphs of a document, likely a legal or technical report. The text is too light to transcribe accurately.]

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

FILED IN MY OFFICE
DISTRICT COURT CLERK
6/22/2015 3:45:20 PM
STEPHEN T. PACHECO
Rochelle Ortiz

ISSUED

SUMMONS	
District Court: FIRST JUDICIAL SANTA FE COUNTY , New Mexico Court Address: 225 Montezuma Ave., Santa Fe, NM 87504 Court Telephone No.: (505) 455-8250	Case Number: D-101-CV-2015-01463 Judge: RAYMOND Z. ORTIZ
EASTER SEALS EL MIRADOR , Plaintiff, v. THE STATE OF NEW MEXICO, ET AL. Defendant.	Defendant Name: Brent Earnest, Secretary Designee, NM Human Services Department Address: 2009 South Pacheco, 3 rd Floor, Santa Fe, NM 87504

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 22nd day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Victoria White*
Deputy

"Electronically Filed"

/s/ Bryan J. Davis

Signature of Attorney for Plaintiff
DAVIS, GILCHRIST & LEE, P.C.
124 Wellesley Dr. SE
Albuquerque, NM 87106
Telephone: (505) 435-9908
Facsimile: (505) 435-9909
bryan@dglnm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

Exhibit "F"

RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

☐ to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

FILED IN MY OFFICE
DISTRICT COURT CLERK
6/22/2015 3:45:20 PM
STEPHEN T. PACHECO
Rochelle Ortiz

ISSUED

SUMMONS

District Court: FIRST JUDICIAL SANTA FE COUNTY , New Mexico Court Address: 225 Montezuma Ave., Santa Fe, NM 87504 Court Telephone No.: (505) 455-8250	Case Number: D-101-CV-2015-01463 Judge: RAYMOND Z. ORTIZ
EASTER SEALS EL MIRADOR, Plaintiff, v. THE STATE OF NEW MEXICO, ET AL. Defendant.	Defendant Name: Mark Pitcock, Deputy Director , New Mexico Medical Assistance Division of The Human Services Department Address: 4129 S Meadows Rd., Santa Fe, NM 87507-3095

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 22nd day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Victoria Montez*
Deputy

"Electronically Filed"

/s/ **Bryan J. Davis**

Signature of Attorney for Plaintiff
DAVIS, GILCHRIST & LEE, P.C.

124 Wellesley Dr. SE
Albuquerque, NM 87106
Telephone: (505) 435-9908
Facsimile: (505) 435-9909

bryan@dglnm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

Exhibit "G"

RETURN

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ *(used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)*

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA *(used when service is by mail or commercial courier service)*.

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, *(used when the defendant is not presently at place of abode)* and by mailing by first class mail to the defendant at _____ *(insert defendant's last known mailing address)* a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ *(insert defendant's business address)* and by mailing the summons and complaint by first class mail to the defendant at _____ *(insert defendant's last known mailing address)*.

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ *(used when defendant is a minor or an incompetent person)*.

☐ to _____ *(name of person)*, _____, *(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision)*.

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

ISSUED

SUMMONS	
District Court: FIRST JUDICIAL SANTA FE COUNTY , New Mexico Court Address: 225 Montezuma Ave., Santa Fe, NM 87504 Court Telephone No.: (505) 455-8250	Case Number: D-101-CV-2015-01463 Judge: RAYMOND Z. ORTIZ
EASTER SEALS EL MIRADOR , Plaintiff, v. THE STATE OF NEW MEXICO, ET AL. Defendant.	Defendant Name: Sidonie Squier, Former Cabinet Secretary Address: 5823 Walsh Point #301, Santa Fe, NM 87504

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 22nd day of June, 2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Victoria Ortiz*
Deputy

"Electronically Filed"

/s/ Bryan J. Davis

Signature of Attorney for Plaintiff
DAVIS, GILCHRIST & LEE, P.C.
124 Wellesley Dr. SE
Albuquerque, NM 87106
Telephone: (505) 435-9908
Facsimile: (505) 435-9909
bryan@dglnm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

Exhibit "H"

RETURN

[illegible]

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

[] to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

[] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[] to _____, an agent authorized to receive service of process for
defendant _____.

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of
defendant _____ (used when defendant is a minor or an incompetent person).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

EASTER SEALS EL MIRADOR,

Plaintiff,

vs.

No. D-101-CV-2015-01463

**THE STATE OF NEW MEXICO, HUMAN
SERVICES DEPARTMENT OF THE
STATE OF NEW MEXICO, BRENT
EARNEST, CABINET SECRETARY FOR
HUMAN SERVICES DEPARTMENT OF
THE STATE OF NEW MEXICO, SIDONIE
SQUIER, FORMER CABINET
SECRETARY FOR HUMANS SERVICES
DEPARTMENT OF THE STATE OF NEW
MEXICO, MARK PITCOCK,
DEPUTY DIRECTOR OF THE MEDICAL ASSISTANCE
DIVISION OF THE HUMAN SERVICES DEPARTMENT, and
JOHN DOES 1-10, in their individual capacities,**

Defendants.

NOTICE OF EXCUSAL

The undersigned, as counsel for Defendant Sidonie Squier, hereby notifies the Court that
the Honorable Raymond Z. Ortiz is excused from presiding over the above-captioned case.

Dated this 30th day of July, 2015.

Submitted by:

NEW MEXICO HUMAN SERVICES DEPARTMENT
By /s/ christopher t. foster
Christopher T. Foster
Asst. General Counsel
P.O. Box 2348
Santa Fe, NM 87504-2348
(505) 827-7701

XC: LW

Exhibit "I"

CERTIFICATE OF SERVICE

I hereby certify the foregoing
was e-served on 7/30/2015 to
opposing counsel:

By /s/ christopher t. foster
Christopher T. Foster

FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO

CASE NO. D-101-CV-2015-01463

EASTER SEALS EL MIRADOR,
PLAINTIFF,

v.

THE STATE OF NEW MEXICO, HUMAN SERVICES DEPARTMENT OF THE STATE OF
NEW MEXICO, BRENT EARNEST, CABINET SECRETARY FOR HUMAN SERVICES
DEPARTMENT OF THE STATE OF NEW MEXICO, SIDONIE SQUIER, FORMER
CABINET SECRETARY FOR HUMAN SERVICES DEPARTMENT OF THE STATE OF
NEW MEXICO, MARK PITCOCK, DEPUTY DIRECTOR OF THE MEDICAL
ASSISTANCE DIVISION OF THE HUMAN SERVICES DEPARTMENT, and JOHN DOES
1-10, in their individual capacities,
DEFENDANTS,

NOTICE OF JUDGE ASSIGNMENT

The above referenced cause has been reassigned to District Judge FRANCIS J. MATHEW,
Division I, effective July 30, 2015, due to the EXCUSAL of District Judge RAYMOND Z.
ORTIZ, Division III.

STEPHEN T. PACHECO
DISTRICT COURT CLERK

By: /s/ Cori Dennison

CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was e-filed to counsel on the 31st of
July, 2015. (All contacts listed in the Odyssey E-file & Serve)

Christopher T. Foster, AGC



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Cori Dennison*
Deputy

Exhibit "J"

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

EASTER SEALS EL MIRADOR,

Plaintiff,

vs.

No. D-101-CV-2015-01463

**THE STATE OF NEW MEXICO, HUMAN
SERVICES DEPARTMENT OF THE
STATE OF NEW MEXICO, BRENT
EARNEST, CABINET SECRETARY FOR
HUMAN SERVICES DEPARTMENT OF
THE STATE OF NEW MEXICO, SIDONIE
SQUIER, FORMER CABINET
SECRETARY FOR HUMANS SERVICES
DEPARTMENT OF THE STATE OF NEW
MEXICO, MARK PITCOCK,
DEPUTY DIRECTOR OF THE MEDICAL ASSISTANCE
DIVISION OF THE HUMAN SERVICES DEPARTMENT, and
JOHN DOES 1-10, in their individual capacities,**

Defendants.

NOTICE OF EXCUSAL

The undersigned, as counsel for Defendant Human Services Department of the State of New Mexico, hereby notifies the Court that the Honorable Francis J. Mathew is excused from presiding over the above-captioned case.

Dated this 11th day of August, 2015.

Submitted by:

NEW MEXICO HUMAN SERVICES DEPARTMENT

By /s/ george f. heidke

George F. Heidke

Asst. General Counsel

P.O. Box 2348

Santa Fe, NM 87504-2348

(505) 827-7721

XC:LEAD

Exhibit "K"

CERTIFICATE OF SERVICE

I hereby certify the foregoing
was e-served on 8/11/2015 to
opposing counsel:

By /s/ george f. heidke
George F. Heidke

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE, RIO ARriba & LOS ALAMOS
STATE OF NEW MEXICO**

D-101-CV-2015-01463

EASTER SEALS EL MIRADOR,
PLAINTIFF,

v.

THE STATE OF NEW MEXICO, HUMAN SERVICES DEPARTMENT OF THE STATE OF
NEW MEXICO, BRENT EARNEST, CABINET SECRETARY FOR HUMAN SERVICES
DEPARTMENT OF THE STATE OF NEW MEXICO, SIDONIE SQUIER, FORMER CABINET
SECRETARY FOR HUMAN SERVICES DEPARTMENT OF THE STATE OF NEW MEXICO,
MARK PITCOCK, DEPUTY DIRECTOR OF THE MEDICAL ASSISTANCE DIVISION OF
THE HUMAN SERVICES DEPARTMENT, and JOHN DOES 1-10, in their individual capacities,
DEFENDANTS,

NOTICE OF NON-REASSIGNMENT

The above referenced cause has not been reassigned due to Defendant, SIDONIE SQUIER,
previously exercising their right to Challenge or Excuse on July 30, 2015. In accordance with
NMRA 1-088.1(A) & NMSC 041 cited as 309 P. 3d 80 "No Party Shall Excuse More Than One
Judge" the case remains assigned to the HONORABLE FRANCIS J. MATHEW, District Judge
Division I.

STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

By: 
Deputy Court Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically served to
counsel of record listed in the File & Serve Service Contacts this notice on the 12th day of August,
2015.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

By: 
Deputy Court Clerk

Exhibit "L"